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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,113	10/14/2003	Grant Goracy	GORACY-42543	6787

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EXAMINER
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CORRIGAN, JAIME W

ART UNIT	PAPER NUMBER
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3748

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/686,113	<b>Applicant(s)</b> GORACY, GRANT	
	<b>Examiner</b> Jaime W Corrigan	<b>Art Unit</b> 3748	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 September 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This Office Action is in response to the request for reconsideration filed on 07 September 2004. Overall, claims 1-27 are pending in this application. The arguments with respect to the references applied in the first office action were deemed persuasive, however, a new non-final rejection is set forth below.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Methley et al. (PN 6,725,817).

Regarding claim 1 Methley discloses an elongated shaft (See Figure 1 (12)); a first (See Figure 1 (16)) cam lobe carried by the shaft; and a second (See Figure 1 (18)) cam lobe carried by the shaft; where in the first and second cam lobes are selectively rotatable (See Column 5 Lines 21-24) relative to one another and selectively locked (See Figure 8, Column 4 Lines 32-68, Column 5 Lines 1-20) in place relative to one another, whereby a displacement angle between the cam lobes can be selectively adjusted.

Regarding claim 2 Methley discloses a drive timing gear (See Figure 1 (32)) assembly carried by the shaft and associated (See Column 2 Lines 61-67, Column 3 Lines 1-9) with the first and second cam lobes.

Regarding claim 3 Methley discloses the drive/timing gear assembly includes a gear and a hub fastened to one another (See Figure 1 (32), (86)).

Regarding claim 4 Methley discloses either the first or second cam lobe comprises an intake cam lobe (See Figure 1 (16)) associated with an intake valve of an engine, and the other cam lobe comprises an exhaust (See Figure 1 (18)) lobe associated with an exhaust valve of an engine.

Regarding claims 5 Methley discloses indicia associated with each of the first and second cam lobes for determining the displacement angle of the cam lobes (See Figure 2).

Regarding claim 6 Methley discloses means (See Figure 1 (20)) for locking the first and second cam lobes to the shaft.

Regarding claim 7 Methley discloses the locking means comprises a locking nut (See Figure 1 (20)) threadedly received onto the shaft.

Regarding claim 8 Methley discloses the shaft includes an externally threaded portion (See Figure 1 (72)) for receiving the locking nut, and a shoulder (See Figure 1 (90)) on an opposite end thereof, whereby as the locking nut is tightened onto the shaft, the shoulder compresses the first and second cam lobes against a drive/gear (See Figure 1 (32), (35)) assembly so as to lock the first and second cam lobes relative to one another.

Regarding claim 9 Methley discloses a pin (See Figure 1 (20)) insertable through a drive/gear assembly and into either the first or second cam lobe for setting the position of the first or second cam lobe relative to the drive/gear (See Column 2 Lines 57-60) assembly .

Regarding claim 10 Methley discloses an inner shaft (See Figure 1 (14)) extending through the elongated shaft for attachment to an engine block.

Regarding claim 11 Methley discloses the elongated shaft (See Figure 1 (12)) comprises first and second shaft (See Figure 1 (14)) sections, the first cam lobe (See Figure 1 (16)) extending from the first shaft section, and the second cam lobe (See Figure 1 (18)) extending from the second shaft section, and wherein the shaft sections are rotatably associated with one another and selectively locked (See Figure 8, Column 4 Lines 32-68, Column 5 Lines 1-20) in place relative to one another.

Regarding claim 12 Methley discloses the first shaft (See Figure 1 (12)) section includes a shaft extending therefrom, and the second shaft (See Figure 1 (14)) section includes a hollow sleeve extending therefrom and configured to accept the shaft therein.

Regarding claim 13 Methley discloses means for locking (Figure 8, Column 4 Lines 32-68, Column 5 Lines 1-20) the first and second shaft sections relative to one another.

Regarding claim 14 Methley discloses the locking means comprises a fastener (See Figure 1 (20)) attachable to the first and second shaft sections.

Regarding claim 15 Methley discloses the first (See Figure 3 (12)) and second shaft (See Figure 1 (14)) sections include hollow, internally threaded (See Figure 1 (72)) portions that receive the fastener.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Methley et al. (PN 6,725,817) in view of Rado et al. (PN 6,539,906).

Methley discloses a first (See Figure 1 (12)) shaft section having a cam lobe (See Figure 1 (16)) extending therefrom; a second shaft (See Figure 1 (14)) section having a cam lobe (See Figure 1 (18)) extending therefrom; and means for locking (See Figure 8, Column 4 Lines 32-68, Column 5 Lines 1-20) the first and second shaft sections relative to one another; and wherein the first and second shafts are selectively (See Column 2 Lines 61-67, Column 3 Lines 1-39) rotatable relative to one another and selectively locked in place relative to one another, whereby a displacement angle between the cam lobes can be selectively (See Column 5 Lines 21-24) adjusted; a drive/timing gear assembly comprising a gear (See Figure 1 (32)) and a hub (See Figure 1 (32), (86)) attached to either the first or second (See Figure 1 (12), (14)) shaft section; indicia (See Figure 2) associated with each of the first and second shaft sections for determining the displacement angle of the cam lobes (See Figure 1 (16), (18)); the first shaft (See Figure 1 (14)) section includes a shaft extending therefrom, and the second shaft (See Figure 1 (12)) section includes a hollow sleeve extending therefrom and configured to accept the shaft therein; the first (See Figure 1 (14)) and second shaft (See Figure 1 (12)) sections include hollow, internally threaded portions, and wherein the locking means comprises a fastener (See Figure 1 (20)) received within the first and second shaft sections.

Methley fails to disclose the intake and exhaust lobes associated with intake and exhaust valves.

Rado et al. teaches that it is conventional in the art to utilize either the first or second cam lobe comprises an intake cam lobe (See Figure 3 (40)) associated with an intake valve of an engine, and the other cam lobe comprises an exhaust lobe (See Figure 3 (38)) associated with an exhaust valve (See Figure 1 (30)) of an engine.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the intake and exhaust lobes and valves taught by Rado et al. in the Methley et al. device since it would improve timing control.

Claims 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Methley et al. (PN 6,725,817) in view of Rado et al. (PN 6,539,906).

Methely discloses a first cam lobe (See Figure 1 (16)) carried by the shaft; a second (See Figure 1 (18)) cam lobe carried by the shaft, and means for locking (See Figure 1 (16), (20)) the first and second cam lobes to the shaft (See Figure 1 (16), (20)); and wherein the first and second cam lobes are selectively rotatable relative to one another and selectively locked (See Figure 8, Column 4 Lines 32-68, Column 5 Lines 1-20) in place relative to one another, whereby a displacement angle between the cam lobes can be selectively adjusted (See Column 5 Lines 21-24); a drive/ timing gear (See Figure 1 (32)) assembly comprising a gear and hub (See Figure 1 (32), (86)) carried by the shaft and associated with the first and second cam lobes; indicia (See Figure 2) associated with each of the first and second cam lobes for determining the displacement angle of the cam lobes; the locking means comprises a locking nut (See Figure 1 (20)) threadedly received onto the shaft; the shaft includes an externally



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threaded (See Figure 1 (90)) portion for receiving the locking nut, and a shoulder on an opposite end thereof, whereby as the locking nut is tightened onto the shaft, the shoulder compresses the first and second cam lobes (See Figure 1 (16), (18)) against a drive/gear assembly so as to lock the first and second cam lobes relative to one another; a pin (See Figure 1 (20)) insertable through a drive/gear assembly and into either the first or second cam lobe (See Figure 1 (18)) for setting the position of the first or second cam lobe relative to the drive/gear assembly; an inner shaft (See Figure 1 (14)) extending through the elongated shaft (See Figure 1 (12)) for attachment to an engine block.

Methely fails to disclose intake and exhaust lobes associated with intake and exhaust valves.

Rado et al. teaches that it is conventional in the art to utilize either the first or second cam lobe comprises an intake cam lobe (See Figure 3 (40)) associated with an intake valve of an engine, and the other cam lobe comprises an exhaust lobe (See Figure 3 (38)) associated with an exhaust valve (See Figure 1 (30)) of an engine.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the intake and exhaust lobes and valves taught by Rado et al. in the Methley et al. device since it would improve engine power.

### Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nelson et al. (PN 4,917,058), Smith et al. (PN 6,289,764) disclose similar adjustable camshafts.

Any inquiry concerning this communication from the examiner should be directed to Examiner Jaime Corrigan whose Carlyle telephone number is (571) 272-4858. The examiner can normally be reached on Monday - Friday from 8:30 a.m. – 6:00 p.m. 2<sup>nd</sup> Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion, can be reached on (703) 308-2623. The fax number for this group is (703) 872-9306.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

JC

Jaime Corrigan  
  
Patent Examiner

November 28, 2004

Art Unit 3748

  
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